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OFFICE OF PETITIONS

In re Application of	:	
David M. PANGRAC, et al	:	
Application No. 09/748,717	:	DECISION ON PETITION
Filed: December 22, 2000	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ADVENT001US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

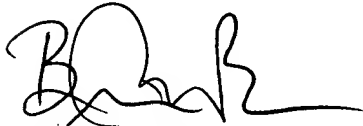
The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 31, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is February 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

A review the file discloses that a petition fee of \$130 and a four month extension of time were submitted on February 29, 2008. There is no fee required to file a renewed petition under 37 CFR 1.137(b). An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$820 extension of time fee submitted on February 29, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee and the petition fee of \$130 by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2623 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a stylized, flowing script.

Brian W. Brown
Petitions Examiner
Office of Petitions